

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ABETH HASHIMI,

Plaintiff,

-against-

BLACK IRON BURGER LLC and 540 EAST 5TH
STREET EQUITIES INC,

Defendants.

ANALISA TORRES, District Judge:

By order dated December 3, 2018, Plaintiff was ordered to move for default judgment by following the procedures set forth in Attachment A to the Court's Individual Practices in Civil Cases. ECF No. 13. Plaintiff failed to do so. By order dated December 19, 2018, Plaintiff was again ordered to move for default judgment by December 28, 2018. ECF No. 19. On December 28, 2018, Plaintiff filed his motion and supporting papers. ECF Nos. 20–23. These papers, however, are insufficient. Pursuant to Rule 1.c of Attachment A to the Court's Individual Practices in Civil Cases, a party moving for default judgment must submit an affidavit setting forth, *inter alia*, “[t]he legal basis, including citations to appropriate authorities, for a finding of liability based on the allegations in the complaint.” Plaintiff’s declaration fails to do so because it does not set forth the elements of a claim under the Americans with Disabilities Act and why Plaintiff contends they are satisfied. *See generally* ECF No. 23. Furthermore, the declaration fails to set forth a legal basis for the injunctive relief Plaintiff seeks, which includes temporarily closing Defendant’s business. *Id.* ¶ 12.

Accordingly, it is hereby ORDERED that by **January 16, 2019**, Plaintiff shall file a motion for default judgment that complies with Attachment A to the Court's Individual Practices in Civil Cases. Plaintiff is directed to re-file all of his papers in support of the motion at that time.

SO ORDERED.

Dated: January 2, 2019
New York, New York

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DATE FILED: 1/2/2019

18 Civ. 9108 (AT)

ORDER


ANALISA TORRES
United States District Judge